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REMARKS

This amendment is responsive to the office action dated July 28, 2005.

Claims 1-8, 10-14 and 16-19 were pending in the application. Claims 1-3 and 6-8, 10-14 and 16-19 were rejected. Claims 4 and 5 were allowed but objected to by the Examiner.

By way of this amendment, the Applicant has amended Claims 1, 14, 18 and 19. Claims 2-8, 10-13 and 16-17 remain unchanged.

Accordingly, Claims 1-8, 10-14 and 16-19 are currently pending.

I. OBJECTION TO CLAIMS

Claims 1, 18 and 19 were objected to for several informalities. The Applicant has amended claims 1, 18 and 19 in accordance with the required corrections identified in the Office Action. Accordingly, withdrawal of this objection is respectfully requested.

II. REJECTION OF CLAIMS 1, 6, 8, 10, 11, 14 and 16 UNDER 35 USC 102

The Applicant would like to thank Examiner Ferguson for taking the time to personally conduct a telephonic interview to discuss the rejections of claims in view of the prior art references Young, Edgeman and Rizzo. As will be discussed below, the Applicant has amended the claims in accordance with the changes discussed during the interview in an attempt to overcome the prior art rejections.

Claims 1, 6, 8, 10, 11, 14 and 16 were rejected under 35 USC 102(b), as being anticipated by US Patent No. 4,794,744 (Young). The rejection stated that the invention in Young discloses a fence system having two spaced vertical supports, each support having side walls with vertically spaced holes therein, rail connectors received in the holes including a receiver end that extends outwardly from the side wall of the vertical supports and two horizontally spaced support members received by the receiver end of the rail connectors receiver members. Further, the rejection stated that Young discloses a rail support with both a retention clip and a guide pin that are received into a hole in the vertical support and that in view of the Young disclosure, the present invention is anticipated and therefore not patentable.

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The Applicant has amended the claims of the present application to more specifically claim the unique rail connector that is the central element of the present invention. The rail connectors of the present invention is a unique and highly durable connector that is well suited for an inexpensive and easy assemble fence system that is targeted to the do-it-yourself marketplace. The rail connector is configured to be installed into an opening in the vertical supports in a snap-fit manner wherein the connector is self aligning and remains in its installed position without the need for additional fasteners. This is accomplished by the incorporation of an opposing pair of retainer clips and an opposing pair of alignment pins that extend from the rear of the rail connector. These features all cooperate to firmly retain the rail connector in the vertical support while also preventing the connector from rotating relative to the vertical support.

The above noted feature is important because most prior art clips include only a pair of opposing spring clips that are received in a vertical channel (see element 40 in the cited Edgeman reference). Should the prior art clips be rotated relative to the vertical support, they will come free from the vertical support.

The Examiner was in agreement that should the retention clip structure be amended to include an opposing pair of retainer clips and an opposing pair of alignment pins that extend from the rear of the rail connector, the claims of the present invention would be distinguished over the cited prior art of record.

Accordingly, since the present invention, in the claims as amended, recites subject matter that is not disclosed in Young, the rejection is not believed to be applicable. Reconsideration, and withdrawal of the rejection is respectfully solicited.

III. REJECTION OF CLAIMS 2, 3 and 7 UNDER 35 USC 103

Claims 12, 13 and 17 were rejected under 35 USC 103(a) as being unpatentable over Young in view of US Patent No. 4,261,144 (Rizzo). The Examiner has stated that although Young does not disclose grooves in the top and bottom rails for receiving the

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fence panel, Rizzo discloses such a structure and that the present invention is obvious in light of the combination of these references.

As stated above in the comments related to Young alone, the system disclosed in the claims as amended specifically claim the unique rail connector that is the central element of the present invention. The Applicant has amended the claims of the present application to more specifically claim the unique rail connector that is the central element of the present invention. The rail connectors of the present invention is a unique and highly durable connector that is well suited for an inexpensive and easy assemble fence system that is targeted to the do-it-yourself marketplace. The rail connector is configured to be installed into an opening in the vertical supports in a snap-fit manner wherein the connector is self aligning and remains in its installed position without the need for additional fasteners. This is accomplished by the incorporation of an opposing pair of retainer clips and an opposing pair of alignment pins that extend from the rear of the rail connector. These features all cooperate to firmly retain the rail connector in the vertical support while also preventing the connector from rotating relative to the vertical support.

The Examiner was in agreement that should the retention clip structure be amended to include an opposing pair of retainer clips and an opposing pair of alignment pins that extend from the rear of the rail connector, the claims of the present invention would be distinguished over the cited prior art of record.

Therefore, even if these references were combined, the present invention would not be the result. Since the claimed elements of the present invention are not disclosed or suggested in the combination cited, this combination cannot render the present invention obvious. Therefore, this rejection cannot be maintained. Reconsideration and withdrawal of this rejection is respectfully requested.

IV. REJECTION OF CLAIMS 12, 13 and 17 UNDER 35 USC 103

Claims 12, 13 and 17 were rejected under 35 USC 103(a) as being unpatentable over Young in view of US Patent No. 5,702,090 (Edgman). The Examiner has stated

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that although Webster does not disclose the formation of the vertical and horizontal members from extruded vinyl or PVC, Edgman shows a fence system that includes vertical and horizontal members formed from extruded vinyl or PVC and that the present invention is obvious in light of the combination of these references.

As stated above in the comments related to Young alone, the system disclosed in the claims as amended specifically claim the unique rail connector that is the central element of the present invention. The Applicant has amended the claims of the present application to more specifically claim the unique rail connector that is the central element of the present invention. The rail connectors of the present invention is a unique and highly durable connector that is well suited for an inexpensive and easy assemble fence system that is targeted to the do-it-yourself marketplace. The rail connector is configured to be installed into an opening in the vertical supports in a snap-fit manner wherein the connector is self aligning and remains in its installed position without the need for additional fasteners. This is accomplished by the incorporation of an opposing pair of retainer clips and an opposing pair of alignment pins that extend from the rear of the rail connector. These features all cooperate to firmly retain the rail connector in the vertical support while also preventing the connector from rotating relative to the vertical support.

The Examiner was in agreement that should the retention clip structure be amended to include an opposing pair of retainer clips and an opposing pair of alignment pins that extend from the rear of the rail connector, the claims of the present invention would be distinguished over the cited prior art of record.

Therefore, even if these references were combined, the present invention would not be the result. Since the claimed elements of the present invention are not disclosed or suggested in the combination cited, this combination cannot render the present invention obvious. Therefore, this rejection cannot be maintained. Reconsideration and withdrawal of this rejection is respectfully requested.

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V. ALLOWABLE SUBJECT MATTER

The Examiner indicated that Claims 4 and 5 were allowable.

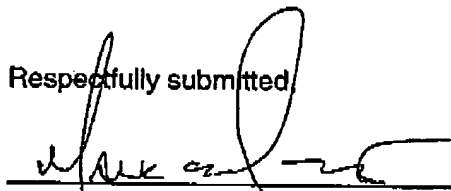
VI. CONCLUSION

Accordingly, claims 1-8, 10-14 and 16-19 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,



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